Laws We Enforce

Title VII of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 (Title VII) makes it unlawful for an employer to discriminate against someone because of:

- Race;
- Color;
- Religion;
- Sex; or
- National origin.

Title VII also makes it unlawful for an employer to take a negative action, or retaliate, against a person because they:

- Complained about discrimination, whether formally or informally;
- Filed a charge of discrimination with an agency like the U.S. Equal Employment Opportunity Commission, or
- Participated as a witness in an employment discrimination investigation or lawsuit.

Title VII also makes it unlawful to use policies or practices that seem neutral but have the effect of discriminating against people because of their race, color, religion, sex, or national origin.

Under Title VII, it is unlawful to discriminate in any aspect of employment, including:

- Hiring and firing;
- Compensation, assignment, or classification of workers;
- Transfer, promotion, layoff, or recall;
- Job advertisements and recruitment;

- Testing;
- Use of employer facilities;
- Training and apprenticeship programs;
- Retirement plans, leave, and benefits; or
- Other terms and conditions of employment.

Under Title VII, employers also cannot:

- Harass an employee because of race, color, religion, sex, or national origin;
- Refuse or fail to make reasonable adjustments to workplace policies or practices that allow individual workers to observe their sincerely held religious beliefs;
- Make employment decisions based on stereotypes or assumptions about a person's abilities, traits, or performance because of their race, color, religion, sex, or national origin;
- Deny job opportunities because a person is married to, or associated with, a person of a particular race, color, religion, sex, or national origin.

The Attorney General, through ELS, brings lawsuits under Title VII against state and local government employers after the EEOC refers a complaint to the Department of Justice. ELS also can start investigations and bring lawsuits against state and local government employers when there is reason to believe that an employer's policy or practice discriminates against a group of job applicants or employees based on their race, color, religion, sex, or national origin.

Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act (PWFA) is a federal law that covers employers, including state and local government employers, with 15 or more employees. This law requires covered employers to grant "reasonable accommodations" to qualified job applicants and workers with known limitations because of pregnancy, childbirth, or related medical conditions. "Reasonable accommodations" can be changes to how a job is performed or changes to how the workplace normally operates. Some examples of possible reasonable accommodations may include: allowing a correctional officer to have a water bottle or food during their shift, allowing a public school teacher longer or more flexible breaks to use the restroom, providing an emergency medical technician with light duty or help with lifting tasks, temporarily transferring a patrol officer to a less physically demanding or safer position, changing a uniform or dress code to allow maternity clothing, and changing equipment or workspaces, such as providing a state park ranger with a stool to sit on.

The PWFA requires an employer to provide reasonable accommodations unless it would be an undue hardship for the employer. "Undue hardship" means the change would be too difficult or

expensive and depends on the facts and the employer. The applicant or employee and the employer must engage in an interactive process before the employer decides how to respond to the worker's request.

The PWFA protects workers who ask for reasonable accommodations, workers who were wrongly denied a reasonable accommodation, and workers who file complaints under the PWFA or who reasonably oppose actions that are illegal under the PWFA. It also protects people from coercion, intimidation, threats, or interference in using their PWFA rights or helping others exercise their PWFA rights.

Under the PWFA, an employer cannot:

- Require a qualified worker to accept an accommodation without engaging in an interactive process about the accommodation between the worker and the employer;
- Deny a job or other employment opportunity to a qualified employee or applicant because of the person's need for a reasonable accommodation;
- Require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation would let the person keep working;
- Treat a qualified worker worse, also called "taking an adverse action," because the worker asked for or used a reasonable accommodation or opposed unlawful discrimination under the PWFA; or
- Interfere with any person's rights under the PWFA.

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) ensures that servicemembers can return to their civilian jobs after they finish military service obligations. USERRA requires employers to give servicemembers the seniority, status, and rate of pay that they would have if they had remained continuously employed by their civilian employer without a break for military service.

Employers have other obligations under USERRA, too. For example:

- Employers must make reasonable efforts to help returning employees to refresh or upgrade their skills so they can qualify for reemployment;
- Returning servicemembers are entitled to immediate reinstatement of health insurance for themselves and previously covered dependents with no waiting period and no exclusion of preexisting conditions other than those that are military service-related; and

- Employers must reemploy servicemembers who became disabled during military service in a position most closely related to their former position if they can no longer perform it.

USERRA also prohibits:

- Discrimination in hiring, promotion, and retention because of past, present and future military service;
- Discrimination in hiring, reemployment, promotion, job retention or benefits because of military service;
- Retaliation because a person asserted their rights or assisted (including testifying, giving a statement, etc.) in an USERRA investigation or lawsuit, even if the person assisting has no military service connection.

USERRA covers both voluntary and involuntary military service, in peacetime and wartime, and applies to virtually all civilian employers, including the federal government, state and local governments, and private employers, no matter how many people work for that employer.

Under USERRA, the Department of Justice can bring a lawsuit after the U.S. Department of Labor determines that a servicemember's USERRA rights were violated and refers the complaint to us. The Department of Justice can bring lawsuits under USERRA against private employers as well as state and local government employers.

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